



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Aimee A. Stover - Reconsideration - Overtime Claim
for Travel Outside Duty Hours

File: B-229067.2

Date: February 28, 1990

DIGEST

Employee was required to perform temporary duty at various refineries 2 or 3 days in advance of ships' estimated arrivals. This need to perform duties at various times with 2 or 3 days' advance notice was an administratively controllable event by either the agency or the employee, and therefore her travel outside of normal hours is not compensable as overtime under 5 U.S.C. § 5542(b)(2)(B)(iv).

DECISION

Ms. Aimee A. Stover, a civilian employee of the Defense Logistics Agency (DLA), Department of Defense, has requested that we reconsider our decision, Aimee A. Stover, B-229067, Nov. 29, 1988, which denied her claim for overtime pay for travel performed in connection with her official duty. Since we again find that the circumstances of Ms. Stover's travel do not meet the conditions specified in the statute which authorizes overtime pay, we must again deny her claim.

The facts of this case, which are more fully stated in our previous decision, may be summarized as follows. From February 1984 through December 1985, DLA assigned Ms. Stover to the Island of Curacao in the Netherlands Antilles. Her duty hours were 7:30 a.m. to 4 p.m., Monday through Friday. Her assignment involved inspecting ships loading fuel products purchased by the United States. This required considerable travel throughout the Caribbean and Latin America. She claims 235 hours and 30 minutes of overtime for travel performed outside of her official duty hours during the period of this assignment.

At the outset of her assignment, Ms. Stover was issued blanket travel orders. She was instructed to keep informed of the arrival dates of ships in the area for which she was responsible. This information was available to Ms. Stover from the U.S. Consulate in Curacao and from telexes from the

047955/140813

Defense Fuel Supply Center in Alexandria, Virginia. Upon receipt of this information, Ms. Stover was required to make her own travel arrangements and to arrive at her temporary duty location 2 to 3 days in advance of a ship's estimated arrival in order to fulfill her duties at the refinery.

Ms. Stover contends that her travel outside of normal duty hours resulted from events (the arrival of ships) which were not administratively controllable by the government, and therefore, her travel is compensable as overtime. DLA contends that the relevant events are not the arrival of the ships, but the need for Ms. Stover to perform duties at various refineries 2 to 3 days in advance of the ships' estimated arrivals, which was an administratively controllable event by either DLA or Ms. Stover and, therefore, her travel is not compensable as overtime.

The relevant section of the statute involved, 5 U.S.C. § 5542(b)(2)(B)(iv) (1988), provides that:


"(2) time spent in a travel status away from the official-duty station of an employee is not hours of employment unless--

.

"(B) the travel . . . (iv) results from an event which could not be scheduled or controlled administratively"

In the instant case, Ms. Stover's need to perform duties at various refineries was dependent upon the ships' estimated arrivals. However, because of the advance notice she received and the flexibility about when she performed her duties, the timing of performing her duties at various refineries was under the administrative control of either DLA or Ms. Stover. Therefore, Ms. Stover's travel outside of normal duty hours did not result from an administratively uncontrollable event and is not compensable as overtime under the provisions of the statute quoted above. See Charles S. Price, B-222163, Aug. 23, 1986; Hankins and Archie, B-210065, Apr. 2, 1985.

Accordingly, Ms. Stover's request for reconsideration is denied.

for 
Comptroller General
of the United States